

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

TOMMY LEE SHERIFF,
Plaintiff

Civil No. 3:22-cv-118-HTW-LGI

v.

CITY OF JACKSON, MISSISSIPPI;
JACKSON POLICE DEPARTMENT;
CHIEF OF POLICE JAMES E. DAVIS;
OFFICER MIRON B. SMITH;
INVESTIGATOR STEPHANIE HORN;
OFFICER MYKILA WALKER;
DETECTIVE TERRANCE JACKSON;
OFFICER ROBERT TAYLOR; OFFICERS
JOHN DOES 1-3; HINDS COUNTY,
MISSISSIPPI; THE HINDS COUNTY
BOARD OF SUPERVISORS; HINDS
COUNTY SHERIFF'S OFFICE; SHERIFF
VICTOR P. MASON; SHERIFF LEE D.
VANCE; SHERIFF TYREE JONES;
MISSISSIPPI DEPARTMENT OF PUBLIC
SAFETY; COMMISSIONER MARSHALL
FISHER; COMMISSIONER SEAN
TINDELL; MISSISSIPPI FORENSIC
LABORATORY

Defendants

NOTICE OF DISMISSAL

PURSUANT TO FEDERAL RULES OF CIVIL PROCEDURE 41(A)

COMES NOW, TOMMY LEE SHERIFF, by his attorneys, and files this, his voluntary dismissal without prejudice, pursuant to Rule 41(A) of the Federal Rules of Civil Procedure, and in support thereof states the following:

1. That the above styled case was filed on March 3, 2022.
2. None of the opposing parties have served either an answer or a motion for summary judgment.

3. On March 3, 2022, notice of claims were filed pursuant to the Mississippi Tort Claims Act. (Miss. Code Ann. §11-46-11(2)(b)).
4. None of the opposing parties have responded to the notice of claims filed pursuant to the Mississippi Tort Claims Act.
5. That plaintiff has not previously dismissed any federal or state-court action based on or including the claims involved in this action.
6. Rule 41 of the Federal Rules of Civil Procedure states in pertinent part:
 - (a) Voluntary Dismissal.
 - (1) *By the Plaintiff.*
 - (A) *Without a Court Order.* Subject to Rules 23(e), 23.1(c), 23.2, and 66 and any applicable federal statute, the plaintiff may dismiss an action without a court order by filing:
 - (i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment; or
 - (ii) a stipulation of dismissal signed by all parties who have appeared.
 - (B) *Effect.* Unless the notice or stipulation states otherwise, the dismissal is without prejudice. But if the plaintiff previously dismissed any federal- or state-court action based on or including the same claim, a notice of dismissal operates as an adjudication on the merits

WHEREFORE, PREMISES CONSIDERED, all parties to this action are hereby notified that this action has been voluntarily dismissed without prejudice pursuant to Rule 41(A) of the Federal Rules of Civil Procedure.

SUBMITTED Thursday, May 5, 2022,

/s/ William C. Coon
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